

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**RONNIE PETTWAY,**  
**Plaintiff,**

**v.**

**JAMAL PETTWAY, *et al.*,**  
**Defendants.**

)  
)  
)  
)  
)  
)  
)

**CIVIL ACTION NO. 1:22-00371-KD-N**

**ORDER**

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge (Doc. 38) made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated March 20, 2023, is **ADOPTED** as the opinion of the Court. Accordingly, it is **ORDERED** that:

1) Defendant Mobile City Council's motion to dismiss (Doc. 7) is **GRANTED**, Defendant Warden of Mobile Metro County Jail Noah Price Oliver, III's motion to dismiss (Doc. 8) is **GRANTED**, and the City Defendants' partial motion to dismiss (Doc. 24) is **GRANTED**;

2) Counts I, III, IV, V, VI, VII, VIII, IX and X are **DISMISSED with prejudice** as to all Defendants therein named; and

3) Count II's federal Section 1983 malicious prosecution claim shall proceed as to Defendant Officers Pettway and Shelton, as well as Sgt. Young in their respective individual capacities.

**DONE and ORDERED** this the **12th** day of **April 2023**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**